

Memo

Date: 22 May 2023
From: Ruth Littlewood, Senior Policy Analyst,
To: Hearing Panel
Cc:
Reference: 23/783924

Background information for the Hearing Panel: Shopping trolleys on public land

1. Purpose of this Memo

- 1.1 To provide the members of the Hearing panel with background information on the development of the draft bylaw to assist with their consideration of submissions on the topic: “Are shopping trolleys on public land an issue that needs to be further addressed?”
- 1.2 The information in this memo is not confidential and can be made public.

2. Bylaw development and staff consideration of a ‘shopping trolley’ clause.

- 2.1 During 2021 when staff engaged with community boards on the review of the waste management bylaws, an issue raised by elected members on the Waikura Central-Linwood Community Board were the problems created by shopping trolleys abandoned by shoppers in public spaces. Elected members were concerned that abandoned shopping trolleys unduly impacted on local amenity, obstructed public places and that trolley owners did not reclaim the shopping trolleys within an appropriate timeframe.
- 2.2 These concerns were taken on board by staff developing and refining the draft bylaw clauses and in 2021/2022, they reviewed the practice of other councils across the country and consulted colleagues in other local authorities. They identified that two councils (Auckland and Marlborough) included abandoned shopping trolleys in their waste bylaws.
- 2.3 Staff sought information from other councils on how they dealt with the problems created by abandoned shopping trolleys. With the exception of Auckland and Marlborough, New Zealand councils used non-regulatory methods to deal with abandoned shopping trolleys. Staff from the councils contacted, reported that shopping trolley issues tended to be intermittent, so that an ongoing effort was required to address these problems.
- 2.4 Staff reviewed both the Auckland and Marlborough bylaws and concluded a clause modelled on the Auckland bylaw (**Attachment**) provided a potential bylaw solution.
- 2.5 Staff then further assessed such a clause in terms of its alignment with the purposes of our draft bylaw, its likely effectiveness, potential legal implications and the likely costs and benefits of the clause in terms of administration, monitoring and compliance. This further analysis identified a number of problems with including a shopping trolley clause.
- 2.6 Currently the Council takes a non-regulatory approach to this issue, promoting the Snap-Send-Solve app which is widely used. Overall, staff assessed that the non-regulatory approach as generally effective and has the advantage that it does not require the Council to get

involved in managing a third party's assets. The staff assessment was that the problems of abandoned shopping trolleys were unlikely to be solved by a bylaw and that where a bylaw solution was adopted, on-going non-regulatory approaches would still be required. This raises resource implications, if Council were to adopt a regulatory approach.

- 2.7 In considering the draft bylaw clause (**Attachment**), staff noted that its rules apply (predominantly) to the owner of the trolley and that such a clause could create the perception of an unfair regulation which targets the trolley owner rather than the person responsible for taking the trolley (without the owners' permission) and abandoning it. Possible unintended consequences of the clause also considered by staff included the potential for shoppers not to return trolleys but rather rely on the bylaw requirement for the owners to retrieve their trolleys, potentially exacerbating the existing numbers of abandoned trolleys. Staff were also concerned at the resources required to implement a new system and enforce compliance.
- 2.8 Members of staff spoke to Auckland Council staff who generally supported their bylaw clause and were positive about the ability to invoice the trolley owner/retailer for costs incurred by the council. However the Auckland Council staff were not able to provide data on the overall efficiency and effectiveness of their bylaw. Ongoing media reports of significant numbers of abandoned trolleys in areas of Auckland suggested to our staff that a bylaw offered only a partial solution, at best. Staff analysis therefore concluded that the likely ineffectiveness of a bylaw solution did not justify the very significant resource implications of introducing, implementing and enforcing a new system given the Council's very constrained resources.
- 2.9 The conclusion of the staff working party was that a bylaw solution is a potentially expensive tool that would be relatively ineffective, so therefore did not recommend this option for inclusion in the draft bylaw given the Council's other, very pressing waste management and minimisation priorities and work programmes.

3. Conclusion

- 3.1 That the information in this memo is taken into account in consideration of submissions on the question: "Are shopping trolleys on public land an issue that needs to be further addressed?"

Attachments Ngā Tāpirihanga

| No. | Title | Reference | Page |
|-----|-------------------------------------|-----------|------|
| A | Draft Shopping Trolley Bylaw Clause | 23/783582 | |

Signatories Ngā Kaiwaitohu

| | |
|--------------------|---|
| Author | Ruth Littlewood - Senior Policy Analyst |
| Approved By | Ged Clink - Manager Resource Recovery Lynette Ellis - Head of Transport & Waste Management |

Draft clause considered by staff working party:

24. A person must minimise potential for a shopping trolley to become waste

- 1) Subclauses (2) and (3) do not apply –
 - (a) to a person who is a party to an accord about shopping trolleys –
 - (i) if the accord has been approved by council;
 - (ii) to the extent specified in the accord; and
 - (b) to a person who has permission to remove a shopping trolley from the business premises for operational reasons (for example replacement or repair) from a person who is responsible for the operation of a business that provides shopping trolleys;
 - or (c) to a business that provides less than 10 shopping trolleys.

- (2) A person who is responsible for the operation of a business must –
 - (a) clearly display the contact details of the business on every shopping trolley provided by that business for public use;
 - (b) clearly display signage on the premises of that business that –
 - (i) prohibits the removal of any shopping trolley from the premises;
 - (ii) provides the contact details of the business;
 - (iii) encourages the public to report the removal or location of any shopping trolley removed from the premises using the contact details of the business;

 - (c) retrieve any shopping trolley provided by that business for public use that has been removed from the business's premises –
 - (i) within **two?/ 24? hours** of being notified by any person of the location of the shopping trolley;
 - (ii) appropriately dispose of anything found in that shopping trolley;

 - (d) reimburse council for the costs incurred by council to retrieve and return or dispose of any shopping trolley of the business not on the premises of the business, within one month of the trolley's retrieval, if
 - (i) council has notified the person of the location of that shopping trolley;
 - (ii) that shopping trolley has not been retrieved within 24 hours of being notified of the shopping trolley's location;
 - (e) keep, maintain and provide council with an annual record by 31 March every year of the number of shopping trolleys removed from the premises, and retrieved by the business or returned by council or other persons to the business.

- (3) A person who uses a shopping trolley for whatever reason (for example a customer) must not remove that shopping trolley from the premises of the business for which it is provided.

